

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**DANTE J. VASSER,**

**Defendant.**

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**8:09CR324**

**ORDER**

This matter is before the court on the motion of defendant, Dante J. Vasser (Vasser) for a competency evaluation pursuant to 18 U.S.C. § 4241 (Filing No. 30). A hearing on the motion was held on November 3, 2009. Appearing at the hearing were Vasser, his appointed counsel Mark A. Weber, and Assistant U. S. Attorney John E. Higgins. During the hearing, Mr. Weber made representations to the court that Vasser's competency to stand trial was in question whereby Mr. Weber had serious reservations about Vasser's present ability to understand the nature of the proceedings against him and to assist in his own defense. The government had no objection to the motion. The request for a psychiatric or psychological examination to determine Vasser's competency will be granted.

**IT IS ORDERED:**

1. The motion for a competency evaluation (Filing No. 30) is granted.
2. Pursuant to 18 U.S.C. § 4241 and by agreement of the parties, Vasser will be examined by Dr. Bruce Gutnik, 10050 Regency Circle, Omaha, Nebraska 68114, telephone number (402) 399-8847, to determine whether Vasser is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. Said examination shall occur on or before November 24, 2009, and counsel for Vasser shall arrange an appointment time.
3. The United States Marshal for the District of Nebraska shall transport Vasser to Dr. Gutnik's office for the purpose of the evaluation under such conditions as deemed appropriate by the U.S. Marshal at a time agreed to by the parties and Dr. Gutnik. Prior to

the examination, the parties shall provide Dr. Gutnik with all available records or reports of Vasser as requested by Dr. Gutnik.

4. A psychiatric or psychological report shall be filed with the court with copies provided to counsel of record within twenty (20) days of the completion of the period of examination.

5. Upon receipt by the court and counsel of the examination report, a hearing pursuant to 18 U.S.C. § 4247(d) shall be promptly scheduled to determine the competency of Vasser to stand trial in this matter.

6. Vasser's counsel shall provide a copy of this order to Dr. Gutnik and the U.S. Marshal.

7. The Department of Justice shall be responsible for the payment of the costs attendant to the examination.

8. The trial date of November 9, 2009, before Chief Judge Joseph F. Bataillon and a jury is cancelled and will be rescheduled following the hearing to determine the competency of Vasser to stand trial in this matter.

DATED this 4th day of November, 2009.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge